

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE WAVE STUDIO, LLC,

Plaintiff,

v.

BOOKING HOLDINGS INC.; AGODA COMPANY PTE. LTD.; AGIP LLC; BOOKING.COM B.V.; BOOKING.COM (USA) INC., ROCKET TRAVEL, INC., and MOMONDO A/S,

Defendants.

No. 21-cv-2691-LJS (CS)

STIPULATION TO

(1) CONSOLIDATE THIS ACTION WITH THE WAVE STUDIO, LLC V. GENERAL HOTEL MANAGEMENT LTD., ET AL. (CASE NO. 13-CV-09239-CS); (2) STAY THIS ACTION PENDING THE RESOLUTION OF PROCEEDINGS BEFORE THE SINGAPORE COURT; AND (3) EXTEND DEFENDANTS' DEADLINES TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT

WHEREAS, on or around December 31, 2013, Plaintiff The Wave Studio, LLC (“Plaintiff”) filed an action against General Hotel Management Ltd. (“GHM”), and other defendants, in United States District Court for the Southern District of New York, White Plains Division (Judge Cathy Seibel, Case No. 13-cv-09239-CS) (the “GHM Action”), alleging copyright infringement claims;

WHEREAS, on or around July 3, 2014, Judge Seibel stayed the GHM Action as to all other defendants except for GHM (Case No. 13-cv-09239-CS, Dkt. No. 67);

WHEREAS, on March 10, 2017, Judge Seibel issued an Opinion and Order (Case No. 13-cv-09239-CS, Dkt. No. 209) in the GHM Action dismissing the claims against GHM on *forum non conveniens* grounds so the issue of ownership of the copyrights at issue could be litigated before the Singapore court and continuing the stay of all claims of Plaintiff against all other defendants

and the cross-claims against GHM pending the resolution of the action between Plaintiff and GHM before the Singapore court;

WHEREAS, Plaintiff filed additional actions alleging copyright infringement claims involving the same copyrighted works and copyright registrations as in the GHM Action, which are all member or related cases to the GHM Action currently before Judge Seibel (14-cv-08322-CS, 15-cv-03420-CS, 15-cv-04953-CS, 15-cv-05392-CS, 15-cv-05960-CS, 15-cv-05962-CS, 15-cv-06995-CS, 15-cv-07950-CS, and 17-cv-03589-CS), and which are stayed pending the resolution of the action between Plaintiff and GHM before the Singapore court;

WHEREAS, the action between Plaintiff and GHM is still proceeding before the Singapore court and has not yet been resolved;

WHEREAS, on or around March 29, 2021, Plaintiff filed the above-captioned action against defendants Booking Holdings Inc., Agoda Company Pte. Ltd., AGIP LLC, Booking.com B.V., Booking.com (USA) Inc., Rocket Travel, Inc., and Momondo A/S in the United States District Court for the Southern District of New York (Judge Louis L. Stanton, Case No. 21-cv-2691) (the “Booking Holdings Action”), alleging copyright infringement claims involving copyright registrations previously asserted in the GHM Action;

WHEREAS, the current deadlines for the defendants in the Booking Holdings Action to answer or otherwise respond to the complaint in the Booking Holdings Action are as follows: (i) Booking Holdings Inc. and Booking.com (USA) Inc.: May 4, 2021; (ii) AGIP LLC and Rocket Travel, Inc.: May 5, 2021; and (iii) Agoda Company Pte. Ltd., Booking.com B.V., and Momondo A/S: June 25, 2021; and the parties agree that it would promote judicial efficiency to extend such response deadlines in the Booking Holdings Action given this Stipulation, and so that all

defendants in the Booking Holdings Action will share the same deadline to answer or otherwise respond to the complaint; and

WHEREAS, the parties have made no prior requests to extend any deadlines in this action;

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties hereto, as follows:

1. That the above-captioned action be consolidated with the GHM Action;
2. That the above-captioned action be stayed pending the resolution of the action between Plaintiff and GHM before the Singapore court; and
3. That, if the above-captioned action is (a) consolidated with the GHM Action and stayed pending the resolution of the action between Plaintiff and GHM before the Singapore court, or (b) not consolidated with the GHM Action but stayed pending the resolution of the action between Plaintiff and GHM before the Singapore court, each defendant in the Booking Holdings Action will answer or otherwise respond to Plaintiff's complaint within sixty (60) days of the stay being lifted or as otherwise set by the Court in the GHM Action; in the alternative, if (c) the above-captioned action is not consolidated with the GHM Action and is not stayed pending the resolution of the action between Plaintiff and GHM before the Singapore court, each defendant in the Booking Holdings Action will answer or otherwise respond to Plaintiff's complaint by June 25, 2021.

Dated: New York, New York
May 3, 2021

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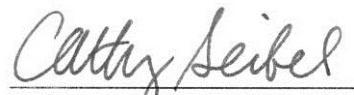
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*To be admitted *Pro Hac Vice*
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SO ORDERED.



CATHY SEIBEL, U.S.D.J.

June 21, 2021
Dated: _____